

REPORT

DATE: May 5, 2005

TO: Regional Council and Administration Committee

FROM: Chief Legal Counsel

SUBJECT: Proposed Memorandum of Understanding Comprehensive Federal Transportation Planning between California Department of Transportation and SCAG.

EXECUTIVE DIRECTOR'S APPROVAL:

RECOMMENDED ACTION:

Authorize the Executive Director to execute the Memorandum of Understanding Comprehensive Federal Transportation Planning.

BACKGROUND:

In September of 2004, Caltrans informed SCAG that the Federal Highway Administration and Federal Transit Administration had requested that Caltrans review the status of Planning Memorandum of Understandings which Caltrans had with the various MPO's in the state. This MOU is required to be in place by federal regulations and FHWA has indicated that updated MOUs must be executed by June 30, 2005. The essential purpose of the MOU is to recognize and define the roles and responsibilities of the MPO and the state in the transportation planning process, including also responsibilities with regard to air quality and conformity. The existing MOU between Caltrans and SCAG was entered into in 1988.

Caltrans established a process by which it coordinated with all the MPO's in an effort to ensure as much consistency in the MOU's as possible. SCAG staff participated in the process and submitted both substantive and procedural comments. Rather than amend the 1988 MOU, Caltrans proposed an entirely new MOU. Amongst other provisions, the MOU recognizes SCAG as the agency responsible for comprehensive regional transportation planning and requires that SCAG utilize a planning process which provides for cooperation and coordination with various identified stakeholders, consultation with Native American Tribal Governments and public participation. The state is to work in partnership with SCAG and participate as a member on the Transportation and Communications Committee. Additionally the MOU identifies certain information and data which is to be provided by the state for SCAG's use and also recognizes SCAG's role as the area-wide clearinghouse to review transportation projects.

SCAG staff has been reviewing the final MOU to ensure that it accurately reflects the roles and responsibilities defined in law and regulation as well as the practical application of those roles and responsibilities. Upon review of the final MOU as proposed by Caltrans, SCAG staff has noted a few technical areas which still require refinement although Caltrans has addressed many of SCAG's previously expressed concerns. Caltrans has requested that SCAG execute the MOU by May 13, 2005. While we have requested an extension of that date in light of the unresolved issues staff is optimistic that the remaining issues can be resolved in the next few weeks. If the issues are not satisfactorily resolved staff will provide an updated report at the May Administrative Committee and Regional Council meeting.

FISCAL IMPACT: No direct fiscal impact.